

Attorney Docket No. 20710-95585



PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Date of Deposit: January 19, 2001

I hereby certify that this paper and fee are being deposited with the United State Postal Service, as Prepaid First Class Postage, under 37 CFR §1.8 on January 19, 2001 and is addressed to: Office of Petitions, Assistant Commissioner of Patents, Washington, D.C. 20231.

Peter J. Manso, Reg. No. 32,264

January 19, 2001  
Deposit Date

In re Application of: Eugenio Cefali  
Serial No.: 08/962,027  
Filing Date: October 31, 1997  
Group Art Unit: 1615  
Examiner: Joynes, R.  
Title: **INTERMEDIATE RELEASE NICOTINIC ACID  
COMPOSITIONS FOR TREATING HYPERLIPIDEMIA**

Assistant Commissioner for Patents  
Washington, D.C. 20231

January 19, 2001

Sir:

TRANSMITTAL

Transmitted by facsimile herewith are the following documents and fee:

1. Continued Prosecution Application ("CPA") - two (2) pages and copy thereof; and
2. Return Postcard

X Please charge my Deposit Account No. with the filing fee in the amount of \$854.00. Please change any deficiency or credit of overpayment to Deposit Account No. 50/-0951/20720-95585(KOS). This sheet is attached in duplicate.

— A check in the amount of \$\_\_\_\_\_ is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 50/-0951/20720-95585(KOS).

**Match & R turn**

X The Commissioner is hereby authorized to charge payment of the following fees, at the large entity rate, including any and all filing fees and extension of time fees, concerning this communication or other communications involving this application, or to credit any overpayment to Deposit Account No. 50/-0951/20720-95585(KOS). Please charge any deficiency or credit any overpayment to Deposit Account No. 50/-0951/20720-95585(KOS). This sheet is attached in duplicate.

X Any additional filing fees required under 37 CFR 1.16 including fees for presentation of extra claims.

X Any additional patent application processing fees under 37 CFR 1.17 and under 37 CFR 1.20(d).

X The Commissioner is hereby authorized to charge payment of the following fees, at the large entity rate, during the pendency of this application or credit any overpayment to Deposit Account No. 50/-0951/20720-95585(KOS). This sheet is attached in duplicate.

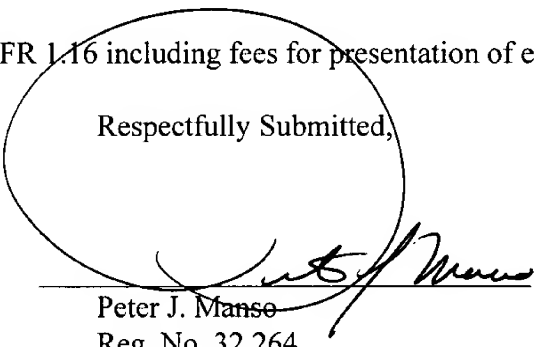
X Any patent application processing fees under 37 CFR 1.17 and under 37 CFR 1.20(d).

\_\_\_\_\_ The issue fee set in 37 CFR 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR 1.311(b)

X Any filing fees under 37 CFR 1.16 including fees for presentation of extra claims.

Respectfully Submitted,

Date: January 19, 2001

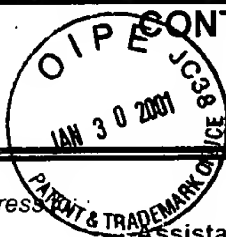
  
Peter J. Manso  
Reg. No. 32,264

Akerman Senterfitt & Eidson  
Las Olas Centre II, Suite 1600  
350 East Las Olas Boulevard  
Fort Lauderdale, Florida 33301  
(954) 463-2700  
(954) 463-2224 (Fax No.)

**Match & Return**

CPA/1615 #

\*DM



# CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:

☐

DUPLICATE

1/3/Regunder  
1-5362

Address

Assistant Commissioner for Patents  
Box CPA  
Washington, DC 20231

Attorney Docket No.  
of Prior Application

20780-85585

First Named Inventor

Cefali

Examiner Name

Jagner, R

Group Art Unit

1615

Express Mail Label No.

2-27-01

RECEIVED  
FEB 15 2001  
TECH CENTER

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),  
(continued prosecution application (CPA)) of prior application number 08 / 862,002,  
filed on 10-31-97, entitled Intermediate Release Nicotinic Acid etc.

## NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

- ☐ Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR 1.116 in the prior nonprovisional application.
- ☐ A preliminary amendment is enclosed.
- This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:  
.....
  - ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
- Information Disclosure Statement (IDS) is enclosed:
  - ☐ PTO-1449
  - ☐ Copies of IDS Citations

02/26/2001 WILLIAM 00000001 500951 08962027

01 FC:102

02/01/2001 JADD01 00000051 500951 08962027  
01 FC:131 710.00 CH  
02 FC:103 144.00 CH

# Match & Return

11.00



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c) or (j))		28 -20* =	8	x \$ 18 =	\$ 144
INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))		3 -3** =	0	x \$ =	0
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				+ \$ 0 =	0
				BASIC FEE (37 CFR 1.16)	710
				Total of above Calculations =	854
Reduction by 50% for filing by small entity (Note 37 CFR 1.27).					
* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.				TOTAL =	854

6. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 50-0951:
- a. ☒ Fees required under 37 CFR 1.16.
- b. ☒ Fees required under 37 CFR 1.17.
- c. ☒ Fees required under 37 CFR 1.18.
8. ☐ A check in the amount of \$ \_\_\_\_\_ is enclosed.
9. ☐ Payment by credit card. Form PTO-2038 is attached.
10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of \_\_\_\_\_ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.
11. ☒ New Attorney Docket Number, if desired 20720-95585  
*(Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.)*
12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
- b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)
13. ☐ Other: \_\_\_\_\_

**NOTE:**

The prior application's correspondence address will carry over to this CPA  
UNLESS a new correspondence address is provided below.

**14. NEW CORRESPONDENCE ADDRESS**

☐ Customer Number or Bar Code Label

or ☐ New correspondence address below

(Insert Customer No. or Attach bar code label here)

Name	Peter J. Monso				
	Akermon Senterfitt				
Address	Las Olas Centre II, Suite 1600				
	350 East Las Olas Boulevard				
City	Ft. Lauderdale	State	FL	Zip Code	33301
Country	USA	Telephone	954 463 2700	Fax	463-2284

**15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print /Type)

Peter Monso

Signature

*[Signature]*

Registration No. (Attorney/Agent)

32,264

Date

1-19-01

**Match & Return**